



BEFORE THE PUBLIC UTILITIES COMMISSION OF THE
STATE OF CALIFORNIA

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Order Instituting Rulemaking to Implement the)
Commission's Procurement Incentive Framework)
and to Examine the Integration of Greenhouse)
Gas Emissions Standards into Procurement)
Policies.)

Rulemaking 06-04-009
(Filed April 13, 2006)

SOUTHERN CALIFORNIA EDISON COMPANY'S (U 338-E) PREHEARING
CONFERENCE STATEMENT CONTAINING COMMENTS ON STAFF PROPOSAL

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Dated: July 26, 2007

**SOUTHERN CALIFORNIA EDISON COMPANY'S (U 338-E) PREHEARING CONFERENCE
STATEMENT CONTAINING COMMENTS ON STAFF PROPOSAL**

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The Administrative Law Judges' Ruling Regarding Comments on Staff Natural Gas Proposal and Notice of Prehearing Conference (ALJs' Ruling), dated July 12, 2007, scheduled a prehearing conference (PHC)¹ and authorized parties to file PHC statements addressing the scope, schedule, and need for evidentiary hearings regarding the natural gas inquiry.² It also authorized parties to include comments on the Preliminary Staff Recommendations for Treatment of Natural Gas Sector Greenhouse Gas (GHG) Emissions of the California Public Utilities Commission (CPUC) Staff (Staff Proposal), contained in Attachment A to the ALJs' Ruling.

Pursuant to Rules 6.2 and 7.2 of the Rules of Practice and Procedure of the CPUC and the ALJs' Ruling, Southern California Edison Company (SCE) respectfully submits its Prehearing Conference Statement Containing Comments on Staff Proposal (Comments).

¹ The date was initially scheduled for August 2, 2007, but was later changed to August 1, 2007.

² The deadline for filing PHC statements was set for July 26, 2007, in the ALJs' Ruling, but was mistakenly listed as July 25, 2007, in the Revised Schedule for CPUC Proceeding R.06-04-009, issued by Julie A. Fitch on July 13, 2007. ALJ Lakritz confirmed the latter date was correct on July 25, 2007.

I.

INTRODUCTION

Phase 2 of this proceeding is focused on the CPUC developing joint recommendations with the California Energy CPUC (CEC) on the appropriate regulatory treatment of GHG emissions in the electricity and natural gas sectors. The joint recommendations will be presented to the California Air Resources Board (CARB), which is charged with implementing the GHG emissions cap of Assembly Bill (AB) 32³ on all major sources, including electricity and natural gas sectors. AB 32, however, prohibits regulations that require electricity and natural gas providers to meet duplicative or inconsistent regulatory requirements.⁴

D.07-05-059, dated May 25, 2007, expanded the scope of Phase 2 to include GHG emissions associated with the transmission, storage, and distribution of natural gas in California, in addition to the combustion of natural gas by non-electricity generator end-use customers. This modification was made to reflect provisions of AB 32, which require development of a statewide GHG emissions limit encompassing the entire California economy.⁵

³ “The California Global Solutions Warming Act of 2006,” which Governor Swartzeneger signed into law on September 27, 2006.

⁴ Newly enacted Health and Safety Code Section 38501(g) provides:
It is the intent of the Legislature that the State Air Resources Board consult with the Public Utilities Commission in the development of emissions reduction measures, including limits on emissions of greenhouse gases applied to electricity and natural gas providers regulated by the Public Utilities Commission in order to ensure that electricity and natural gas providers are not required to meet duplicative or inconsistent regulatory requirements.

In addition, newly enacted Health and Safety Code Section 38562(f) provides:

The state board shall consult with the Public Utilities Commission in the development of the regulations as they affect electricity and natural gas providers in order to minimize duplicative or inconsistent regulatory requirements.

⁵ D.07-05-025, pp. 1, 5.

II.

**IF THE CPUC ADOPTS A CAP-AND-TRADE SYSTEM FOR THE NATURAL GAS
SECTOR, IT SHOULD FOLLOW THE LEGISLATIVE MANDATE TO MINIMIZE
COST AND MAXIMIZE BENEFITS FOR CALIFORNIA’S ECONOMY, TO IMPROVE
AND MODERNIZE CALIFORNIA’S ENERGY INFRASTRUCTURE, AND TO
MAINTAIN ELECTRIC SYSTEM RELIABILITY**

The ultimate goal of the state Legislature, in implementing new policies and programs, is to benefit California citizens. That goal would be specious if the end result was an unforeseen and unexpected increase in electric rates for a portion or all of the very citizens of California that the Legislature seeks to benefit.

In the Findings and Declarations chapter of AB 32, the Legislature provided guidance in implementing its mandates for a GHG emissions cap-and-trade program. Specifically, the Legislature found and declared that:

It is the intent of the Legislature that the State Air Resources Board design emissions reduction measures to meet the statewide emissions limits for greenhouse gases established pursuant to this division in a manner that minimizes costs and maximizes benefits for California’s economy, improves and modernizes California’s energy infrastructure and maintains electric system reliability, maximizes additional environmental and economic co-benefits for California, and complements the state’s efforts to improve air quality. Health and Safety Code section 38501(h). Emphasis added.

The CPUC must consider this mandate when formulating its policy to regulate and control GHG emissions for the natural gas sector. The foremost consideration should be to consider the additional costs on the electricity sector’s customers when developing a cap-and-trade program for the natural gas sector. The CPUC must develop a program that does not unfairly burden the electricity sector’s customers with costs associated with the electricity

sector's cap-and-trade program AND its proportional costs associated with the natural gas sector's cap-and-trade program, as an indirect natural gas customer. Any increase in the price of natural gas, due to the natural gas sector's compliance with a natural gas sector cap-and-trade program, will directly impact the market price of electricity, since it will add significant costs to electricity customers in addition to the direct costs associated with compliance with the electricity sector's cap-and-trade program.

III.

THE CPUC'S CHOSEN METHOD OF REGULATION SHOULD CONSIDER THE EFFECT SUCH REGULATIONS MIGHT HAVE IN ACTUALLY REDUCING GHG EMISSIONS.

The Staff Proposal identifies several points of regulation, which may be assigned responsibility for different categories of emissions:

- Gas transmission pipeline companies,
- Gas distribution utilities,
- Storage companies, and
- Individual end users of natural gas.

As Staff acknowledged in the Staff Proposal, natural gas demand is considered to be relatively inelastic. This is especially true since natural gas is considered to be relatively clean and switching to other fuel sources, such as fuel oil, in response to high natural gas prices is less likely due to stringent air quality standards. In addition, weather fluctuations can have a sizeable impact on the amount of gas consumed. The CPUC should carefully consider the manner in which its proposed method of regulation will give correct economic incentives to the points of regulation in order to modify their GHG footprint in light of these constraints.

IV.

IF ELECTRIC GENERATION NATURAL GAS CUSTOMERS ARE TREATED AS PART OF THE ELECTRICITY SECTOR AND NOT THE NATURAL GAS SECTOR, AS PROPOSED, THEN THEY SHOULD RECEIVE CREDIT FOR ANY REDUCTIONS IN THEIR NATURAL GAS REQUIREMENTS AND INCREASED EFFICIENCY

SCE supports the inclusion of credits for electric generation natural gas customers when they reduce their demand for natural gas in any way. The following are examples of methods of reducing demand for natural gas, which should qualify as credits for electric generation sector's demand, and which should be examined in conjunction with defining the cap for the electricity sector's use of natural gas:

1. SCE believes that gasification of municipal solid waste could provide significant natural gas reductions by creating natural gas displacement directly, because Syngas⁶ can be used as a substitute. Some countries utilize this form of recycling, because the contaminated plastic that makes up a significant amount of the post-materials recovery facility by-products is made from oil and natural gas and could be made into Syngas. SCE believes that it is time to revisit the definitions of conversion technologies that can be used for landfill diversion and are renewables portfolio standard-eligible.

2. SCE supports credit for GHG reductions for biogas displacement of natural gas and credit for RPS production. Burning natural gas in a combined cycle gas turbine is almost twice as efficient as a stand alone small internal combustion engine, a combustion turbine, or a microturbine located at the source of the biogas. In addition, SCE supports cleaning biogas to

⁶ Synthetic gas.

pipeline quality, which would provide more GHG reduction than just burning biogas in small distributed generation applications.

3. SCE also supports highly efficient combined heat and power projects and cogeneration. SCE believes that the emissions from cogeneration should be assigned based on the fuel that would have been used by an efficient boiler to produce the thermal output and its attendant emissions to the thermal use, subtracting these amounts from the actual fuel and emissions of the cogeneration unit, and assigning the leftovers to the electrical output.

4. SCE believes that the rules developed should not create incentives to switch from natural gas to electricity or vice versa. For example, use of a combined cooling heat and power unit may not be wise, if it uses extra natural gas in such a unit to drive an absorption cooling unit. Phase 2 should examine such examples where such applications would create significantly more GHG than using efficient mechanical chilling equipment and system electric energy.

V.

THE CPUC SHOULD HAVE A PRICE SAFETY VALVE IN ANY EMISSIONS CAP PROGRAM AND NOT IMPOSE PENALTIES ON LSES BECAUSE OF FACTORS BEYOND THEIR CONTROL

In determining the costs passed onto California's electricity ratepayers as a result of including the natural gas sector's cap-and-trade system costs in the statewide system, the CPUC should provide a price off-ramp (*e.g.*, possibly in the form of an alternative compliance mechanism) in case the new combined costs of the electricity and natural gas sectors' cap and trade programs cause an unforeseen and unplanned spike in electric rates to ratepayers.

A price cap/safety valve should be added to any combined cap-and-trade system that the CPUC implements for the combined natural gas and electricity sectors in order to protect against

adverse financial circumstances such as those experienced during the 2000-2001 electricity crisis. Price caps have been used in other successful cap and trade programs, such as the South Coast Air Quality Management District's NOx Regional Clean Air Incentives Market program. Phase 2 should analyze and examine various methodologies for protecting electricity ratepayers from being allocated an unfair proportion of the costs of a cap-and-trade program. The addition of a price cap/safety valve would be consistent with Section 38599 of the legislation, which allows the Governor to adjust deadlines in individual regulations for extraordinary circumstances, catastrophic events, or threats of significant economic harm.⁷

⁷ Section 38599

- (a) In the event of extraordinary circumstances, catastrophic events, or threat of significant economic harm, the Governor may adjust the applicable deadlines for individual regulations, or for the state in the aggregate, to the earliest feasible date after that deadline.
- (b) The adjustment period may not exceed one year unless the Governor makes an additional adjustment pursuant to subdivision(a).
- (c) Nothing in this section affects the powers and duties established in the California Emergency Services Act (Chapter 7 (commencing with Section 8550) of Division 1 of Title 2 of the Government Code).
- (d) The Governor shall, within 10 days of invoking subdivision (a), provide written notification to the Legislature of the action undertaken.

VI.

CONCLUSION

SCE respectfully submits this Prehearing Conference Statement containing its Comments on the Staff Proposal and looks forward to working with the CPUC and the other parties on these and other identified issues.

Respectfully submitted,

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July 26, 2007

CERTIFICATE OF SERVICE

I hereby certify that, pursuant to the Commissioner's Rules of Practice and Procedure, I have this day served a true copy of SOUTHERN CALIFORNIA EDISON COMPANY'S (U 338-E) PREHEARING CONFERENCE STATEMENT CONTAINING COMMENTS ON STAFF PROPOSAL on all parties identified in the attached service list(s).

Transmitting the copies via e-mail to all parties who have provided an e-mail address. First class mail will be used if electronic service cannot be effectuated.

Executed this **26th day of July, 2007**, at Rosemead, California.

/S/ RAQUEL IPPOLITI

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